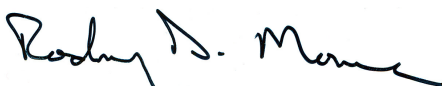




RICHMOND POLICE DEPARTMENT GENERAL ORDER

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

Chapter	Number	Level	Effective Date	Review Date
6	8	2	11/16/07	2007
Subject DUI/DUID			☐ New Order ☒ Replaces O.O. 504-1 (01/20/05)	
References CALEA 44.2.1b, 44.2.1c, 44.2.2d, 61.1.10, 61.1.11 VA Code §16.1-247, 16.1-248.1, 16.1-254, 16.1-278.9, 16.1-299, 18.2-250, 18.2-266, 18.2-266.1, 18.2-267, 18.2-268.1-268.12, 18.2-269, 18.2-270, 18.2-51.4, 46.2-341.26:3, 46.2-301, 46.2-301.1, 46.2-391.2, 46.2-100 VLEPSC ADM.25.08, OPR.02.05, OPR.04.02, OPR.04.03, OPR.07.03, OPR.07.04, OPR 07.05, OPR 07.06, OPR07.07, OPR.07.08, OPR.07.11, OPR.07.12, OPR. 08.05 General Order 7-18, 8-3, 8-7 VASAP Card with Implied Consent and Advice of Rights to a Preliminary Test				
 _____ Chief of Police or Designee 11/16/07 _____ Date				

I. PURPOSE

The purpose of this **General** Order is to establish the policy and procedure for administering sobriety tests, breath tests and/or blood tests to persons arrested for operating a motor vehicle under the influence of alcohol and/or drugs, including persons under the age of 21 arrested for operating a motor vehicle after the illegal consumption of alcohol and for conducting other legally required tasks in a ***driving under the influence of alcohol and/or drugs, including prescription drugs***, (DUI/DUID) situation.

II. POLICY

The Richmond Police Department recognizes the need to maintain a safe environment for all operators of motor vehicles. Therefore, the policy of the Department is to enforce all laws concerning **DUI/DUID**. It is unlawful for any person to drive or operate any motor vehicle, engine, or train while under the influence of alcohol or while under the influence of any drug of any nature to the extent it impairs their driving ability.

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

IV. DEFINITIONS

- A. Implied Consent – Persons arrested while operating a vehicle within the Commonwealth of Virginia are deemed to have consented to have samples of his/her breath and/or blood tested to determine alcohol and/or drug content.***
- B. Motor Vehicles – Any motorized vehicle, i.e. car, motorcycle, truck, bus, recreational vehicle and/or pedal bicycle with helper motor (moped) operating on public highways.***

NOTE: Pedal Bicycles without helper motors are not subject to DUI/DUID regulations. (VA Code §18.2-266)

V. PROCEDURES

A. Training:

- 1. Officers must receive annual training or required retraining in Standardized Field Sobriety Testing (SFST) and Preliminary Breath Testing (PBT).***
- 2. Sector Squad Sergeants shall ensure that officers under their command have proper SFST and PBT training. Sergeants shall also maintain a copy of records documenting the officer's training.***
- 3. The Richmond Police Department Training Academy shall provide said training using an approved Virginia Department of Criminal Justice Services (DCJS) DUI/DUID program.***
- 4. Upon satisfactory completion of the approved DUI/DUID training, officers shall be authorized to conduct standardized field sobriety testing.***
- 5. The Training Academy shall maintain the original record of each officer who has completed the approved testing and shall be responsible for administering re-training when necessary.***

NOTE: Officers shall be alert for suspected DUI/DUID offenders. Officers shall use and document standardized field sobriety tests. Officers must carefully document the behavior of the DUI/DUID suspect, beginning with observations of the suspect's driving.

Officers operating vehicles with Digital Mobile Vehicle Recorders (DMVR) installed must ensure that the equipment is activated and functioning properly during all DUI/DUID traffic stops.

Officers shall make every reasonable effort to capture the incident; however, if terrain is inadequate for testing, suspect safety, or if officer safety is questionable in view of the camera, recording the incident shall be of low priority and considered not necessary during those unsafe conditions.

B. Driving Under the Influence of Intoxicants (DUI/DUID) - Sobriety Testing:

1. When a police officer stops a person suspected of driving under the influence of intoxicants, the officer shall conduct a field sobriety test using the following procedures:
 - a. Identify himself/herself and advise the person of the reason for the stop.
 - b. Request that the person furnish his/her operator's license, registration card and proof of insurance.
 - c. *If the officer has reason to suspect the operator of the motor vehicle to be impaired by DUI/DUID, he/she may, at their discretion, administer an approved non-standardized field test prior to administering the standardized field sobriety tests.*

Additional *approved* Field Sobriety Tests that may be given *at the officer's discretion* prior to actual standardized field sobriety tests are as follows:

- (a) *Modified ABC Test: Modified English alphabet given to persons that can demonstrate the ability to read and understand the English language. The test procedure shall require the officer to always instruct the subject to start with the letter A and to stop at the pre-determined letter selected by the testing officer (example: A – K) without singing the letters; and,*

NOTE: DO NOT INSTRUCT THE SUBJECT TO SAY THE ALPHABET BACKWARDS OR START AT ANY LETTER OTHER THAN "A."

- (b) *Finger Dexterity Test: Starting with either hand, the subject is demonstrated and instructed to touch each individual finger's tip on the testing hand to their thumb, going from left to right and counting out loud as each finger touches the thumb, starting at 1 for the pinky finger, 2 for the ring finger, 3 for the middle finger and 4 for the index finger. The subject is to continue the test on the same hand by going from right to left, touching each individual finger's tip to their thumb, counting each finger in reverse - 4 for the index finger, 3 for the middle finger, 2 for the ring finger and 1 for the pinky finger.*
- (c) Request that the suspect take the following standardized field sobriety tests, *which are in compliance with NHTSA standards: (Standardized field sobriety tests should be conducted at the scene, whenever practical. For future court testimony, the officer must demonstrate each test to the accused.)*
 - 1) Horizontal Gaze Nystagmus Test (HGN) – This test can only be administered by an officer who has been trained and certified to use this technique.

2) Walk and Turn;

3) One Leg Stand;

NOTE: The above noted standardized field sobriety tests are listed in the order in which they must be given.

2. ***Officers must carefully document all employed standardized field sobriety tests, observations and clues.***
3. Officers must carefully document the suspect's appearance, responses to stimuli, speech and admissions of drinking or drug ingestion.
4. Miranda warnings are not required before the driver takes sobriety tests or otherwise before questioning.

C. Field Breath Testing:

In the field, Preliminary Breath Tests shall only be administered after 20 minutes of visual contact with the subject to ensure that no objects or substances of any kind were placed in the subject's mouth during that period.

(Under no circumstances shall a suspect be given a PBT in lieu of or prior to any SFST unless the subject is physically unable or refuses to perform the SFST.) When the PBT is available, it shall be offered to the subject even if he/she refuses to take the SFST. The subject can specifically request the PBT after refusing the SFST.

1. ***If the field sobriety tests show the person may be impaired, the officer must first read Driving While Under the Influence – Advice of Rights to a Preliminary Breath Test to the suspect prior to the administering of the PBT.***
2. The officer will further advise the suspect that he/she is entitled to have ***his/her*** breath analyzed, to refuse to permit ***his/her*** breath to be so analyzed, and that test results shall not be admitted into evidence in any prosecution for violation of ***Virginia Codes*** §18.2-266, §18.2-266.1 or any similar local ordinances.
3. Request that the person take the preliminary field breath test. Advise the person of his/her right, upon request, to observe the process of analysis and see the blood-alcohol reading on the equipment used to perform the breath test.
4. If the preliminary breath sample analysis indicates that alcohol is present in the person's blood ***meeting the legal per se limit or exceeding the prescribed presumptive level of intoxication***, the officer shall charge the person with a DUI/DUID violation ***for one of the following*** levels:

.08 BAC or higher – All suspects

.04 BAC or higher – Commercial Motor Vehicles

.02 BAC or higher – Persons under age 21 only

NOTE: Officers may execute DUI arrests between .05 - .08 BAC if he/she can articulate observed impairment based upon the following:

.05 - .08 BAC – § 18.2-269. Presumptions from alcohol or drug content of blood. A.(1): If there was at that time 0.05 percent or less by weight by volume of alcohol in the accused's blood or 0.05 grams or less per 210 liters of the accused's breath, it shall be presumed that the accused was not under the influence of alcohol intoxicants at the time of the alleged offense; A.(2) If there was at that time in excess of 0.05 percent but less than 0.08 percent by weight by volume of alcohol in the accused's blood or 0.05 grams but less than 0.08 grams per 210 liters of the accused's breath, such facts shall not give rise to any presumption that the accused was or was not under the influence of alcohol intoxicants at the time of the alleged offense, but such facts may be considered with other competent evidence in determining the guilt or innocence of the accused.

- 5. The Department shall only use approved PBT equipment as outlined on the Department of Forensic Science's (D.F.S.) approved equipment list.***
- 6. Preliminary Breath Tests will be calibrated at least every 30 days by a certified Breath Alcohol Operator in accordance with manufacturer's standards.***
- 7. Precinct commanders shall designate a supervisor to be accountable for monthly PBT calibration.***
- 8. Each precinct shall maintain a log of any assigned PBT device and its date of calibration.***

D. Arrest:

- 1. When these procedures are completed and the officer determines that a DUI/DUID arrest will be executed or the suspect refuses both tests or decides to remain silent and it is determined an arrest is necessary, the arresting officer shall advise the suspect of his/her Miranda Rights and read the suspect the Driving Under the Influence - Implied Consent.***

NOTE: If suspect gives consent for a breath or blood test to be given, the officer does not need to read implied consent.

- 2. When an arrest is necessary, the suspect must be arrested for a DUI/DUID violation within three hours of the observed operation of the motor vehicle.***
- 3. If the arrest occurs as a result of operation of a motor vehicle on private property, the Implied Consent Law (§18.2-268.2) does not apply. Although it does not apply, the officer shall try to obtain consent from the arrested person to submit to a chemical analysis of the suspect's blood or breath. Officers requesting blood or breath samples under these conditions are conducting a custodial interrogation. Therefore, the arrested subject shall be advised of his or her Miranda rights before consent is***

requested. The officer shall make all reasonable attempts to obtain a blood or breath sample.

4. Suspects must take a breath test unless they are physically unable. Chesterfield and Henrico Counties shall be contacted to conduct the test if Richmond's breathroom is unavailable. The arresting officer or the *police* wagon will transport *the suspects* to the other jurisdiction for testing only if the arrest *was executed* within 3 hours of the *offense*.
5. If the breath test is unavailable in all three jurisdictions or if the suspect is physically unable to submit to the breath test, the officer shall carefully document this information, *and thereafter*, have the suspect take the blood test.
6. If the arresting officer is advised by a supervisor or *Virginia Commonwealth University Medical Center (VCU Medical Center)* - Emergency Unit official that a person certified to perform *an official blood draw* is unavailable, that supervisor or official must be subpoenaed to court along with a duty log substantiating the reason for the unavailability.
7. After having made an arrest for a violation of §18.2-266 (i) or (ii) or both, and after the suspect has submitted to a breath test, refused to take or was incapable of taking the breath test, the officer may require the suspect to submit to tests to determine the drug or both drug and alcohol content in *his/her* blood if the arresting officer has reasonable cause to believe the suspect was driving under the influence of any drug or combination of drugs or the combined influence of alcohol and drugs.
8. *The officer shall* read the Notification of Rights (Misdemeanor and Felony Arrest) card, to the arrested suspect and compile a PD-59 (*Alcohol Field Sobriety Notes Report*). The accused must be advised of his/her rights prior to the interview portion of PD-59 being conducted and compiled.
9. Immediately following the arrest of the suspect for a DUI/DUID violation, the arresting officer shall contact the *Warrant and Information Services Unit (Radio Room 899)* to check with the Department of Motor Vehicles for the suspect's prior convictions of DUI/DUID and request that a hard copy be sent to the Warrant and Information *Services Unit*, OR the officer may contact the Radio Room and advise them of a pending email via the vehicle's Mobile Data Terminal (MDT) for a driving record and/or a criminal history record. This should be done prior to taking the suspect to the Magistrate.
10. If there is a previous conviction(s) within *five to* ten years (*5 – 10*) *of the current date*, the warrant obtained from the Magistrate should state the previous offense(s) *and whether they were all within a 5 year or 10 year period*. When obtaining the warrant, the officer should request a court date at least 30 days following the arrest.
11. The officer should alert the assigned attorney from the Commonwealth's Attorney's Office of any potential problems prior to the day of the trial.
12. *Prior to the end of their shift*, the officer shall make a full *Incident Based Report (IBR)* of the circumstances of the DUI/DUID arrest, formation of probable cause, and witnesses' observations, *being sure to include the suspect's statement(s), time of*

arrest, time of breath and/or blood test, time of accident and time of stop, in the narrative section.

13. *Administrative Notice of Suspension should be issued to the suspect upon completion of an official breath test. The original shall be submitted to the court along with the warrant. A copy shall be given to the suspect and a copy shall be delivered to the Warrant and Information Services Unit for immediate entry into NCIC database.*

E. Transporting the Arrested Person:

1. The arresting officer shall take the suspect directly to Richmond's Breath Test Room located within 2nd Precinct at 177 E. Belt Boulevard. All officers with prisoners are to enter the Precinct through the rear door and proceed to the Breath Test Room. If Richmond's Breath Test Room is unavailable, Chesterfield and Henrico Counties shall be contacted to run the test.
2. If the breath test is unavailable, or the suspect is physically unable to submit to the breath test, the officer shall take the suspect directly to the **VCU Medical Center – Emergency Unit**.

F. Refusal to Take Breath and/or Blood Test:

In the event the suspect refuses (either verbally or through conduct) to take the Breath and/or Blood Test:

1. The suspect will be charged with **two** violations: Operating Under The Influence of Intoxicants and Refusing to Take Either Chemical Test.
2. *The officer shall complete the Declaration of Refusal, located at the bottom of the Implied Consent Form.*
3. *The officer shall ensure that the Magistrate signs the Declaration of Refusal upon issuing the Warrant for Refusal.*
4. *The officer shall turn in the original Declaration of Refusal to the proper court, along with the warrant, and maintain a copy for his/her records.*

G. An Unconscious DUI/DUID Suspect:

If the suspect is unconscious due to extreme intoxication or injuries, a blood sample for chemical testing shall automatically be taken from the suspect after the suspect has been transported directly to the **VCU Medical Center - Emergency Unit** or the nearest hospital. Taking such a sample does not violate the suspect's constitutional rights.

H. The Breathalyzer Test:

The Breath Alcohol Operator will conduct the breath test in the presence of the arresting officer and the suspect (who has the right to observe the process of analysis). The arresting officer will provide the suspect with a copy of the certificate of the test results. The original certificate will be sent to the court **by arresting officer, attaching it to the original arrest warrant**. The arresting officer will remain with both the Breath Alcohol

Operator and the suspect in the Breath Test Room during the entire testing procedure. If the arresting officer is a Breath Alcohol Operator, he/she may administer the test (VA Code §18.2-268.9).

I. Blood Sample Test:

1. Only a physician, registered nurse, licensed practical nurse, phlebotomist, graduate laboratory technician, technician or nurse, designated by order of a Circuit Court, acting upon the recommendation of a licensed physician on duty at ***VCU Medical Center – Emergency Unit or the alternate medical facility***, will take the blood sample. (VA Code §18.2-268.5)
2. The arresting officer shall make sure the person withdrawing the blood sample properly completes the Certificate of Blood Withdrawal to include the following:
 - a. The name and address of the person arrested;
 - b. The name of the person ***and his/her title (ex: Dr. RN, etc.)*** taking the blood sample;
 - c. The date and time the blood sample was taken;
 - d. The arresting or accompanying officer's printed name and code; and,
 - e. The address of the appropriate court listed below:
 1. Richmond General District Traffic Court, 400 N. 9th Street, Richmond, VA 23219;
 2. Juvenile and Domestic Relations Oliver Hill Court Building, 1600 North 17th St., Richmond, VA 23223; and,
 3. ***Manchester General District Court, 905 Decatur Street, Richmond, VA 23224.***

NOTE: Soap and water, polyvinylpyrrolidone, pvp iodine, providone iodine and benzalkonium chloride are approved substances that may be used to cleanse the part of the body from which a sample of blood is taken.

3. The arresting officer shall give a Blood Specimen Collection Kit to the person withdrawing the blood. The arresting officer shall then request the person withdrawing the blood sample to open the kit and follow the printed instructions found inside. ***Whenever practicable, the officer shall remain in the room and observe the procedure to verify compliance with the instructions.***
4. The arresting officer shall make sure the person withdrawing the sample seals the vials with the plastic seals provided, fills out the attached labels on each vial and returns both ***sealed vials*** to the arresting officer.
5. Upon receipt of the kit, the arresting officer shall check the spelling of the name of the person arrested, ***ensure that the name and title of the person drawing blood is correct, the appropriate court is listed and the time of blood draw is correct on***

*each blood vial label. Afterward, the arresting officer shall ensure that the vials are properly placed in the provided kit and the kit is sealed immediately. The arresting officer should **initial, date and affix the security seal provided on the outside of the kit.***

6. The arresting officer shall personally hand-carry the kit forthwith to the office of the **Department** of Forensic Science. ***During non-business hours, weekends and holidays, officers may choose one of the following options:***

- a. ***Place blood kit in a Property and Evidence Unit locker with a completed lab sheet attached specifying test being requested, i.e. alcohol analysis, drug analysis or alcohol and drug analysis.***

NOTE: Do NOT log blood vials into the Property and Evidence Unit computer System.

- b. ***The officer may maintain the kit in his/her possession if the officer can effectively maintain the integrity and security of the kit until delivered to the Department of Forensic Science.***

7. ***The officer shall, under all circumstances, attempt to secure a search warrant for blood when the subject has refused to give a sample of his/her blood, or when the hospital refuses to take the blood whereupon a victim and/or suspect has serious injury(s), imminent death or actual death.***

J. Driving Under the Influence of Drugs (DUID):

1. If a Breathalyzer test indicates a 0.08 BAC or higher, no drug testing should be requested, even if the driver is suspected of using other drugs. The arresting officer shall handle the arrest as any other DUI/DUID case.
2. If the driver is impaired to a degree that the Breathalyzer test results are not consistent with the level of observed impairment (0.08 BAC or less) and if there is reason to suspect the use of other drugs (drug possession, chemical odors, etc.), then the arresting officer may request a blood sample for drug testing.
3. Blood samples for DUID ***shall be collected*** in the same manner as for DUI. The kit shall be personally hand-carried to:

Dept. of Forensic Science
Attention: DUID
700 North Fifth Street
Richmond, Virginia 23219

- a. One (original) DFS 70-001 form **MUST** accompany each blood sample. This form, normally used to submit evidence to the ***Dept.*** of Forensic Science, should include as much information as possible as to the facts which lead the arresting officer to believe that the driver was under the influence of drugs and what drugs were suspected.
 - b. A copy of the DFS 70-014 form **MUST** be included.

4. Samples received without a request for laboratory examination will be processed for alcohol only.
5. Questions regarding procedures for requesting a DUID test can be addressed by calling the **Dept.** of Forensic Science at 786-4706.

K. Accident Investigation:

If the DUI or DUID suspect has been involved in a traffic accident, in addition to procedures directed in this general order, officers shall follow procedures as stated in General Order 8-3, Accident Investigation.

L. Autos/Property in Possession of Arrested Person:

Should the vehicle belonging to the arrested person need to be towed, the officer should refer to and follow all procedures as stated in General Order 8-7, Inventory, Towing, Seizure, Storage and Abandoned Vehicles.

M. Administrative Impoundment of Motor Vehicles (VA Code §46.2-301.1):

NOTE: All unoccupied motor vehicles not legally parked **or vehicle(s)** at risk of theft or damage shall be towed.

1. ***Pursuant to VA Code §46.2-301.1, the arresting officer shall complete a Notice of Vehicle Impoundment/Immobilization and serve said notice upon the arrested person.*** The notice shall include information on the person's right to petition for review of the impoundment pursuant to subsection B. ***Dissemination of copies shall be in adherence to the distribution listing on the Notice itself.***
2. All reasonable costs of impoundment or immobilization, including removal and storage expenses, shall be paid by the offender prior to the release of his/her vehicle. Where the officer discovers that the vehicle was being rented or leased from a vehicle renting or leasing company, the officer shall not impound the vehicle or continue the impoundment but shall notify the rental or leasing company that the vehicle is available for pick-up and ***its location.***

N. Arrest Procedure for Administrative Suspension of License Pursuant to VA Code §46.2-391.2:

1. If the suspect's blood alcohol content on the breath test is .08 BAC or more, OR the results for persons under 21 years of age shows a blood alcohol concentration of 0.02 BAC or more, OR if the suspect refuses to submit to the breath test, and upon issuance of a petition or summons, or upon issuance of a warrant by the Magistrate, for a violation of **VA Codes** §18.2-51.4, §18.2-266, §18.2-266.1 or §18.2-268.3, or any similar local ordinance, the suspect's (Virginia) license shall be suspended immediately for seven days for a first offense, 60 days for a second offense and until trial for a third or any subsequent offense.
2. The officer shall serve notice of suspension personally on the arrested person, and the officer shall promptly take possession of the suspect's license and promptly deliver it to the Magistrate.

3. In the case of an unlicensed person, a person whose license is otherwise suspended or revoked, or a person whose driver's license is from a jurisdiction other than the Commonwealth, such person's privilege to operate a motor vehicle in the Commonwealth shall be suspended immediately for seven days.
4. Promptly after arrest and service of the notice of suspension, the arresting officer shall forward a sworn report of the arrest to the Magistrate that shall include:
 - a) Information which adequately identifies the person arrested; **and**,
 - b) A statement setting forth the arresting officer's grounds for belief that the person violated **VA Codes** §18.2-51.4, §18.2-266, §18.2-266.1 or a similar local ordinance or refused to submit to a breath test in violation of §18.2-268.3 or a similar local ordinance.

NOTE: THE REPORT SHALL BE SUBMITTED ON FORMS SUPPLIED BY THE SUPREME COURT.

O. Procedures for Juveniles & Persons Under the Age of 21:

1. Driving Under the Influence (DUI/DUID):

- a) It is unlawful for any person under the age of 21 to operate any motor vehicle after illegally consuming alcohol. Any such person with a blood alcohol concentration of 0.02 BAC or more but less than 0.08 BAC shall be in violation of **VA Code** §18.2-266.1.
- b) It is the arresting officer's responsibility to notify the parent(s) or guardian(s) of the juvenile who has been arrested for DUI/DUID. The arresting officer shall notify the juvenile's parent(s) or guardian(s) to respond to **Police Headquarters, 200 W. Grace Street**. If the arrest takes place between 2300 to 0700 hours, the parent(s) or guardian(s) shall be advised to respond to the Warrant & Information **Services** Unit and to stand by until contacted by the arresting officer.
- c) The arrested juvenile shall be transported to **the first available location that has** a breath testing **room** if a breath test is to be taken or to **VCU Medical Center** Pediatric E.R. - Main Hospital (age 17 or younger) if it is determined that a blood test is required and the proper paperwork compiled. The parent(s) or guardian(s) do not have to be present for the administration of the breath or blood test.

2. Driving Under the Influence of Drugs (DUID):

- a) If the juvenile's breath test comes back below 0.08 BAC and the officer arrests the juvenile for a violation of **VA Code** §18.2-266.1, **and** if the arresting officer's field observations indicate that the juvenile is under the influence of drugs and/or drugs and alcohol, the juvenile shall be transported to **VCU Medical Center** Pediatric E.R. to have a sample of blood taken. Once the blood has been packaged, a lab analysis form shall be completed indicating which drugs the arresting officer wants analyzed from the blood sample.

- b) The arresting officer will then hand carry the blood sample immediately or on the first business day the laboratory is open, to the **Dept.** of Forensic Science located at 700 North Fifth Street maintaining the normal chain of custody. The arresting officer must make it clear when presenting drug testing blood samples to the **Dept.** of Forensic Science personnel that the defendant is a juvenile, so that the certificate of analysis may reach the Clerk's Office of the Juvenile Court within a 21-day period.
- 3. Arrest Procedure *if Suspect is a Juvenile*:
 - a) ***The arresting officer should refer to and follow all procedures as directed in General Order 7-18, Juvenile Procedures and Reporting.***
 - b) The juvenile shall be paroled to a parent/guardian or responsible adult. The arresting officer shall advise them that they will be contacted by the Juvenile Court of when to appear.
- 4. Refusal to Submit to Blood or Breath Test:

If the juvenile refuses to submit to the blood or breath test, the officer shall compile the necessary refusal forms **on** a JVAR charging the juvenile with refusal to submit to a test. The juvenile may then be paroled to his/her parent(s), guardian(s) or a responsible adult. The arresting officer will be notified by the Juvenile Court Intake Unit when to sign the petition.
- 5. Problems in Paroling the Juvenile:

Per **VA Code** §16.1-248.1, if no responsible adult can be found within a reasonable time to take custody of the juvenile, a Juvenile Court Intake Officer shall be contacted. A juvenile court intake officer is on call between 1600 to 0700 hours Monday through Friday and on weekends and holidays. The on-call list is at the Warrant & Information **Services Unit**.

VI. ROLES AND ACCOUNTABILITY

A. Officer shall:

- 1. Conduct Field Sobriety Test, following all applicable procedures;***
- 2. Transport suspect to Breathroom at 177 E. Belt Blvd., if necessary;***
- 3. Read "Advice of Rights" to suspect , if situationally applicable;***
- 4. Follow arrest procedures if test result meet BAC criteria;***
- 5. Read PD-74 (Implied Consent) when arrest is made;***
- 6. Transport suspect to other jurisdiction for testing if Richmond P.D. Breathroom is unavailable;***
- 7. Request Warrant Room (899) to contact DMV for the suspect's prior convictions or advise the Warrant Room of pending email with DMV records or driving history;***

8. *Transport suspect to Magistrate if Breath Test is refused and complete Declaration of Refusal;*
9. *Ensure delivery of arrest documents to the Commonwealth's Attorney's office;*
10. *Complete an IBR pertaining to the incident;*
11. *Transport unconscious suspect(s) to VCU Medical Center or nearest hospital and view the administering of the Blood Test;*
12. *Ensure that the administering medical personnel completes the Certificate of Blood Withdrawal;*
13. *Follow procedures for completing the Blood Specimen collection Kit;*
14. *Personally ensure delivery of the Blood Specimen collection Kit to the Virginia Department of Forensic Science;*
15. *Collect witness information and document the date/time of occurrence if suspect has been involved in a traffic accident;*
16. *Ensure that arrestee's vehicle is towed, if necessary, and property turned over to the Sheriff's office;*
17. *Notify the Warrant and Information Services Unit of the arrestee's vehicle and its location;*
18. *Serve a Notice of Impoundment upon arrestee;*
19. *Notify rental/leasing company upon discovery of vehicle leased/rented status and document in the Towed Vehicle section of the IBR;*
20. *Notify parent/guardian(s) if arrestee is under the age of 18;*
21. *Complete a JVAR if arrestee is under the age of 18;*
22. *Check with the Warrant and Information Services Unit to determine if any outstanding detention orders exist on subject;*
23. *Ensure that photos and fingerprints are taken of juvenile arrestee;*
24. *Advise parent/guardian that Juvenile and Domestic Relations Court will contact them when juvenile is ready to be paroled into their custody; and,*
25. *Follow all juvenile reporting and arrest procedures.*

B. Youth and Family Crimes Team (YFCT) shall:

Be on-call to assist when notified that a juvenile has been arrested for DUI/DUID.

C. Warrant and Information Services Unit shall:

1. *Check for warrants and detention orders when requested by the arresting officer; and,*
2. *Maintain on-call list of juvenile court intake officers and on-call YFCT detectives.*

D. Training Academy shall:

- 1. Provide approved VA Department of Criminal Justice Services DUI/DUID training; and,*
- 2. Maintain original records of all officers having completed approved DUI/DUID training.*

E. Sector Squad Sergeants shall:

- 1. Ensure that officers under their command obtain approved DUI/DUID training; and,*
- 2. Maintain a copy of records documenting DUI/DUID training.*

F. Precinct Commanders shall:

Be responsible for designating a supervisor to be accountable for monthly PBT calibration.

VI. FORMS

A. Notice of Vehicle Impoundment/Immobilization;

B. Alcohol Field Sobriety Notes Report, PD-59;

C. Implied Consent Form, PD-74;

(Part A- Notification of Rights – Misdemeanor and Felony Arrests);

(Part B – Driving Under the Influence – Implied Consent); and,

(Part C – Driving while under the Influence–Advice of Rights to Preliminary Tests).